

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flmb.uscourts.gov

IN RE: CASE NUMBER 9-12-bk-12053-FMD

Robert Brandt and Kelly Brandt CHAPTER 13

Debtor.¹

/

ORDER DENYING CONFIRMATION AND DISMISSING CASE
(EFFECTIVE DATE OF THIS ORDER IS 14 DAYS FROM DATE OF ENTRY)

THIS CASE came on for a duly-scheduled confirmation hearing on May 15, 2014 to consider confirmation of the proposed Chapter 13 Plan and the Court having heard argument of counsel and being otherwise duly advised in the circumstances, accordingly it is

ORDERED:

1. The Debtors' Chapter 13 Plan, as filed, does not meet the requirements for confirmation and therefore confirmation is DENIED.

2. This case shall be and the same is hereby DISMISSED without prejudice.

3. The Trustee shall deduct his normal percentage thereof as necessary costs and expenses from sums collected pursuant to §1326(a)(2)², together with any fee, charge, or amount required under 28 U.S.C. §586(e)(2).

¹ All references to "Debtor" include and refer to both of the Debtors in a case filed jointly by two individuals.

¹ All reference to "Debtor" shall include and refer to both of the Debtors in a case filed jointly by two individuals.

² All statutory references are to the Bankruptcy Code, Title 11 of the United States Code, unless otherwise noted.

4. The Trustee shall disburse all Trust Fund monies held as adequate protection and for administrative expenses, as provided for in this Court's Order Establishing Duties of Trustee and Debtor etc., as follows:

a. The Trustee shall disburse the Trust Fund monies to the secured creditors who have filed proofs of claim prior to the claims bar date or within 14 days after the entry of this Order, whichever date is earlier, in the total amount due for adequate protection or, if Trust Fund monies prove insufficient, pro rata.

b. Any attorney fees due Debtor's counsel shall be paid pursuant to the Order Establishing Presumptively Reasonable Debtor's Attorney Fee in Chapter 13 Cases entered on August 31, 2007 in Miscellaneous Proceeding No. 07-mp-00002-MGW.

5. The Trustee shall return to the Debtor(s) any monies not previously disbursed, including those monies otherwise due secured creditors who failed to file proofs of claim prior to the claims bar date or within 14 days from the date of this Order, whichever date is earlier, and shall thereafter file his final report and upon which filing he will be discharged of his duties as Trustee.

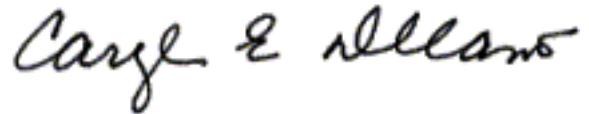
6. The effective date of this Order is delayed fourteen (14) days to permit the Debtor to convert this case to another Chapter under the Bankruptcy Code if the Debtor wishes to do so.

7. If the Debtor chooses to file a Motion for Reconsideration of this Order Dismissing case and/or if this case is re-converted back to a Chapter 13, the Debtor shall file an Amended Plan within fourteen (14) days after any Order

**Reinstating this case or fourteen (14) days after re-converting this case back to a
Chapter 13, serving a copy upon all creditors and the Trustee.**

8. All pending hearings are canceled.

Dated: May 23, 2014.



Caryl E. Delano
United States Bankruptcy Judge

Trustee Jon M. Waage is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.

JMW/KMB/sn

C13T 05/19/14